HIGH COURT OF UTTARANCHAL AT NAINITAL

Second Appeal No. 1597 of 2004 (MS)
(Old No. 571 of 1980)

Ali Haider ..... Appellant

Versus

Smt. Salra Begum ..... Respondent

Dated: 18.8.2004

Hon. Rajesh Tandon J.

File has been transferred from Allahabad High Court. None appears for the parties.

I have gone through the record of the case and have perused the impugned order.

Present appeal has been filed against the judgment and decree dated 29.11.1979 passed by the Civil Judge, Roorkeee in Civil Appeal No. 59 of 1978 . The plaintiff instituted a suit against the defendant for restitution of conjugal rights in the Court of Munsif, Roorkee, which was dismissed vide judgment and decree dated 22.9.1978. The plaintiff preferred an appeal against the said judgment and decree before the Civil Judge, Roorkee and the appeal has also been dismissed vide order dated 29.11.1979. It appears that by efflux of time cause of

action does not survive in the case and the appeal has become infructuous.

The appeal is dismissed as infructuous. No order as to costs.

(Rajesh Tandon J.)

18.8.2004
*Dhyani